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*Attorneys for Defendants, the City of Fort Lee and the City of Fort Lee Police Department*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

***Plaintiff(s)***

MARK APPELGREN

vs.

***Defendant(s)***

THE CITY OF FORT LEE; THE  
CITY OF FORT LEE POLICE  
DEPARTMENT and JOHN DOES  
1-10

CIVIL ACTION NO. 2:24-cv-08013-  
MCA-MAH

Motion Return Date: November 4, 2024

**NOTICE OF MOTION  
TO DISMISS PURSUANT  
TO RULE 12(b)(6)**

TO: Mark Appelgren,  
3718 Columbia Pike, Apartment 2  
Arlington, Virginia, 22204

**PLEASE TAKE NOTICE** that on **Monday, November 4, 2024 at 9:00 a.m.**, upon the annexed declaration of David J. Guzik, Esq. dated October 3, 2024, the undersigned attorney for Defendants, the City of Fort Lee and the City of Fort Lee Police Department shall move before the Honorable Madeline Cox Arleo, U.S.D.J., at the United States Courthouse for the District of New Jersey, Martin Luther King Federal Bldg. and U.S. Courthouse, 50 Walnut St., Newark, New Jersey 07102, for an Order dismiss Plaintiff's First Amended Complaint (Doc 8) in its entirety and with

prejudice and for such other and further relief as the Court may deem proper in the circumstances. Oral argument is requested if this motion is opposed and if approved by the Court.

**PLEASE TAKE FURTHER NOTICE** that the return date is calculated to be on **November 4, 2024**, at 9:00 a.m. or any date thereafter set by the Court; the date the opposition is calculated to be is on or before **October 21, 2024**, the date the Reply, if any, is calculated to be **October 28, 2024**, and courtesy copies will be sent via regular U.S. mail to Judge Arleo. A copy is also being sent to the *pro se* Plaintiff Mark Appelgren via Certified Mail.

**PLEASE TAKE FURTHER NOTICE** that the undersigned shall rely upon the Brief, Certification of Counsel, and Certificate of Service attached hereto in support of said application. A proposed form of Order is annexed hereto.

**PFUND MCDONNELL, P.C.**

*Attorneys for Defendants, the City of Fort Lee and  
the City of Fort Lee Police Department*

**By: s/ David J. Guzik, Esq.**

**DAVID J. GUZIK, ESQ.**

Dated: October 3, 2024